

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 25, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B132369 PM Factor, Inc. v. Zuleta
B136904/B139205 D.C.F.S. v. Salvador A.
B137555 D.C.F.S. v. Derrick M.
B138804 D.C.F.S. v. Darla B.
B139889 D.C.F.S. v. Kathy K.
B140440 D.C.F.S. v. John A. & Karen A.

Argument waived, cause submitted.

B141775 Assia
 v.
 Washington Mutual Bank

Merits:

Argued by Dale E. Motley for appellant and by Richard B. Davis for respondent. Cause submitted.

B130819 Wohl
 v.
 Heuer

Merits:

Argued by Christopher L. Wong for appellant and by Fern S. Nisen for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B135900 Smets
 v.
 Farmers Insurance Exchange

Merits:

Argued by Maria A. Grover for appellant and by Susan H. Handelman for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B135418 Padilla
 v.
 KMEX/Channel 34

Merits:

Argued by Oscar M. Padilla, appellant in propria persona and there being no appearance for respondent. Appellant waives the presence of Presiding Justice Spencer. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B133262 Hill et al.
 v.
 State Farm Mutual Automobile Insurance Company et al.

Merits:

Argued by Robert S. Gerstein for appellants and by Paul Alexander for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B136774 Marik
 v.
 Newson et al.

Merits:

Argued by Douglas Caiafa for appellant and by no appearance for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B136789 Meyerstein et al.
 v.
 McManus

Merits:

Argued by Robert H. Pourvali for appellants and by Valerie D. Rojas for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B136005 Malone et al.
 v.
 Equitas Reinsurance Limited et al.

Merits:

Argued by R. Jeffrey Neer for appellants and by Deborah A. Pitts for respondents. Cause submitted.

Court adjourned.

B133521 Tucker
 v.
 Goldich

Filed order denying petition for rehearing.

B133239 Steinhardt Baer Pictures Company(Not for Publication)
 v.
 Orion Pictures Corporation et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Aragon, J. (Assigned)

DIVISION FOUR

B132200 Estate of Gratia Jean Holloway, deceased (Not for Publication)
 Joseph G. Monat
 v.
 Highlands Insurance Company

The cause is remanded for determination of the admissibility of the proffered evidence as to the \$142,207 payoff of the Rivas Canyon mortgage. If the evidence is found to be admissible, no surcharge is to be imposed for that item. If the evidence is found inadmissible, the court is to consider whether Ms. Gourlie acted in good faith in making that payment, and whether she acted in good faith as to the \$35,779 she approved for her own creditor's claim, and the \$145,689 paid to the taxing agencies. As to each item, if she is found to have acted in good faith, the court is to exercise its discretion as to whether she should be excused from liability in whole or in part or whether a surcharge should be imposed for that item. A doubling penalty is to be imposed against Ms. Gourlie for the \$50,000 she removed from the blocked estate account, but Highlands is not liable for that penalty. Interest is to be awarded on the \$50,000, at the rate of 10 percent, from the date of the taking until the date Highlands paid the conceded deficiency. In all other respects, the judgment is affirmed. Appellant is to have his costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B143561 Gina V. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The writ is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B135098 SFIC Properties, Inc, et al. (Not for Publication)
v.
Hartford Casualty Insurance Company

The judgment is reversed. Appellants shall have their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B127597 Harris (Not for Publication)
v.
City of Santa Monica, et al.

The appeal is dismissed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B142661 LaShwan P. (Not for Publication)

V.

Superior Court, Los Angeles County

(D.C.F.S., r.p.i.)

Petition denied by opinion.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B138286 D.C.F.S. (Not for Publication)

V.

Daron D.

In re Darion D.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B138144 Children's Rights 2000 (Not for Publication)

V.

Wal-Mart Stores, Inc.

The judgment is affirmed. Each party to bear their own costs.

Grignon, Acting P.J.

I concur: Armstrong, J.

I dissent: Godoy Perez, J. (Opinion)

DIVISION FIVE (Continued)

B139364 People (Not for Publication)
v.
Gonzalo Carrasco

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B141070 Los Angeles County, D.C.S.
v.
Lisa A.

Appellant's petition for rehearing is denied by operation of law.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B138075 Child Protective Services v. Richard R.
B138214 Louis v. Charman

Argument waived, cause submitted.

B137149 Corbani
v.
Santa Barbara County
Vieja Owners Association

Merits:
Argued by Jeffery D. Herman for appellant and by James P. Ballantine for respondents. Cause submitted.

DIVISION SIX (Continued)

B136605 Foster
v.
Mentor Corporation

Merits:
Counsel for appellant discloses a previous acquaintance with Justice Perren.
No objection by respondents. Argued by James Carlin for appellant and by
William J. Brown for respondents. Cause submitted.

B133033 Page
v.
City of Santa Barbara

Merits:
Argued by John C. Lauritsen for appellant Pozzato, by Edwin M. Moore for
appellant Page and by Janet K. McGinnis, assistant city attorney, for
respondent. Cause submitted.

B141376 Pritchett
v.
Smith

Merits:
Argued by William Pritchett, appellant in propria persona. Argument
previously waived by respondent. Cause submitted.

Court adjourned at 3:05 P.M.

B137548 People (Not for Publication)
v.
Stuart

The order of commitment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

October 25, 2000-Continued

DIVISION SIX (Continued)

B128162 People (Certified for Publication)
v.
Bohana

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B139385 People (Not for Publication)
v.
Stuart

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.